

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22514 of 2004

Between:

Yudhveer Lodha, S/o.Mahaveer Tuljaram,
R/o.1-24/1, Nanakramguda (V), Gerilingampally Mandal,
Ranga Reddy District.

... PETITIONER

AND

- 1 Government of Andhra Pradesh rep.by principal Secretary, Backward Class Welfare Department, Secretariat, Hyderabad.
- 2 The District Collector, Ranga Reddy District, Hyderabad.
- 3 The Convenor, EAMCET-2002 (Admissions) and Commissioner of Technical Education, Sanketika Vidya Bhavan, Masab Tank, Hyderabad.
- 4 The controller of Examinations, University Campus, Osmania University, Hyderabad.
- 5 The Principal, Deccan College of Engineering & Technology, Nampally, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or directions essentially in the nature of writ of Mandamus directing the respondents to announce the results of the petitioners which are withheld and permit the petitioner to pursue his studies in BE course till finalization

his case claim in accordance with law and not allowing the petitioner to pursue his studies during the pendency of his caste claim as bad, illegal, irrational, arbitrary, unconstitutional and violative of principles of natural justice.

Counsel for the Petitioner: MR.ABHINAND KUMAR SHAVILI

Counsel for the Respondents 1 & 2: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.4: MR.DEEPAK BHATTACHARJEE

The Court, at the admission stage, made the following:

ORDER:

Aggrieved by the order dated 16-12-2003, passed by the second respondent – District Collector, cancelling the Community Certificate, the petitioner preferred an appeal to the first respondent - Government on 08-04-2004. The Government, pending appeal, granted interim stay of the order passed by the District Collector.

2. On the basis of the order passed by the District Collector cancelling the Community Certificate of the petitioner, the respondent – Convener, EAMCET-2002 directed the college authorities to cancel the admission of the petitioner. When the college authorities sought to initiate action against the petitioner, the petitioner filed the present writ petition seeking a direction to the college authorities to announce his result and allow him to prosecute his studies in view of the fact that the order passed by the second respondent – District Collector had been suspended by the first respondent – Government.

3. No direction as prayed for by the petitioner can be granted. If the petitioner had obtained interim suspension of the order passed by the second respondent – Collector, cancelling his Community Certificate, on the basis of which the college authorities sought to cancel his admission, it is for him to represent the same to the college authorities. It is not the case of the petitioner that he had represented the college authorities, and the college authorities had refused to entertain the same. The petitioner even without representing the

college authorities had filed this writ petition seeking directions to the college authorities to implement the orders of the first respondent – Government, which cannot be granted, and more so when this Court under Article 226 of the Constitution of India, does not exercise the powers of an executing Court of the orders passed by the executive authorities.

The writ petition is misconceived and the same is accordingly dismissed.

N. V. RAMANA, J

December 7, 2004

MRR/KSR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

- 1 The Principal Secretary, Backward Class, Welfare Department Government of Andhra Pradesh, Secretariat, Hyderabad.
- 2 The District Collector, Ranga Reddy District, Hyderabad.
- 3 The Convenor, EAMCET-2002 (Admissions) and Commissioner of Technical

Education, Sanketika Vidya Bhavan, Masab Tank, Hyderabad.

4 The Controller of Examinations, University Campus, Osmania University, Hyderabad.

5 The Principal, Deccan College of Engineering & Technology, Nampally, Hyderabad.

6 Two CCs to GP For Social Welfare, High Court Buildings, Hyderabad (OUT)

7 Two CD Copies.